

FINAL MINUTES OF THE PUBLIC BOARD MEETING  
OF THE ARIZONA BOARD OF OSTEOPATHIC  
EXAMINERS IN MEDICINE AND SURGERY

**February 18, 2006**

**BOARD MEMBERS PRESENT:** Board President Martin Reiss D.O.; Vice-President Stanley Grossman; Murray Cohen, D.O.; David Steinway, D.O.; F. P. Wedel, D.O.; Arlene England, D.O.; Andrew Becke

**BOARD MEMBERS ABSENT:** None

**STAFF / OTHERS PRESENT:** Jack Confer, Executive Director  
Barbara Meyers, Deputy Director  
Blair C. Driggs, Assistant Attorney General  
Barbara Prah-Wix, D.O., Medical Consultant  
Anita Shepherd, Business/License Manager  
Beverly Alfson, Administrative Secretary

**AGENDA**

1. **CALL TO ORDER by President Martin Reiss, D.O. – 8:08 a.m.**
2. **ROLL CALL AND REVIEW OF AGENDA**  
Jack Confer, Executive Director, took roll call. All Board Members present.
3. **PRESIDENT’S REPORT AND CALL TO THE PUBLIC**
  - A. Presentation of Board Member certificate to Dr. Arlene England.
  - B. Welcome to the 3<sup>rd</sup> year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
  - C. The Board’s custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.
4. **REVIEW, CONSIDERATION AND APPROVAL OF MINUTES**
  - A. January 21, 2006 Regular Session

**MOTION:** Mr. Becke moved to accept the minutes. Dr. Steinway seconded the motion.

**VOTE:** Motion passed 7-0.

B. January 21, 2006 Executive Session

**MOTION:** Mr. Becke moved to accept the minutes. Dr. Steinway seconded the motion.

**VOTE:** Motion passed 7-0.

C. January 12, 2006 Executive Sub-Committee

**MOTION:** Mr. Becke moved to accept the minutes. Dr. Steinway seconded the motion.

**VOTE:** Motion passed 7-0.

**5. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON REQUESTS AND MOTIONS TO REVIEW A DECISION PURSUANT TO A.A.C. R4-22-106.**

A. Daniel J. Dowswell, D.O. Case No. 3367A License No. 2808

Dr. Dowswell was present with attorney, William Jones, and was sworn in by the court reporter. Mr. Jones addressed the Board regarding new information of the circumstances evolving around the Board's prior decision for a Decree of Censure against Dr. Dowswell.

**MOTION:** Dr. Steinway made a motion to open the case again to review the order due to new information. Mr. Becke seconded the motion.

**VOTE:** Motion passed 7-0.

**MOTION:** Dr. Steinway made a motion to reduce the Decree of Censure to a Letter of Concern due to the review of facts and testimony. No second to the motion. The motion failed for lack of a second.

**MOTION:** Dr. England made a motion to proceed with the re-hearing. Mr. Grossman seconded the motion.

**MOTION:** Dr. England made a motion to go into Executive Session at 8:25 a.m. Mr. Grossman seconded the motion.

**VOTE:** Motion passed 7-0.

**MOTION:** Dr. Cohen moved to come out of Executive Session. Dr. Wedel seconded the motion.

**VOTE:** Motion passed 7-0.

The meeting resumed in regular session at 8:37 a.m.

**MOTION:** Dr. Wedel made a motion to decline the rehearing of the matter and to let the Decree of Censure stand. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	3				x	x	x	
NO	4	x	x	x				x
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion failed 3-4.

**MOTION:** Dr. England made a motion to lower the Decree of Censure to a Letter of Concern with a requirement of obtaining 20 hours of CME in treatment, evaluation, and physical examination of patient's requiring *prophylaxis* in GYN surgery. CME shall be pre-approved by the Executive Director. Also, a suggestion was made for Dr. Dowsell to share the CME information with the remainder of his working group. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	2			x				x
NO	5	x	x		x	x	x	
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion failed 2-5.

**MOTION:** Mr. Grossman moved to rehear the case in its entirety with an outside consultant. Mr. Becke seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	3	x	x					x
NO	4			x	x	x	x	
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** Motion failed 3-4.

**MOTION:** Mr. Steinway moved to go into Executive Session at 9:15 a.m. Mr. Becke seconded the motion.

**MOTION:** Mr. Becke moved to return from Executive Session. Dr. Cohen seconded.

The meeting resumed in regular session at 9:20 a.m. The Board discussed the matter further with Dr. Dowswell.

**MOTION:** Dr. England made a motion to lower the Decree of Censure to a LETTER OF CONCERN with a requirement of obtaining 20 hours of CME in treatment and evaluation of PE, post-operative care, and prophylaxis in GYN surgery with Board approval. Also, a suggestion was made for Dr. Dowswell to share the CME information with the remainder of his working group. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4	x	x	x				x
NO	3				x	x	x	
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** Motion passes; 4-3.

**6. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.**

A. Charles Lindsay, D.O. Case No. 3144 License No. 0793

Dr. Lindsay was present. Mr. Confer provided a summary of the case. Dr. Lindsay addressed the Board.

**MOTION:** Mr. Becke moved to **DISMISS** the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

B. Robert Marouk, D.O. Case No. 3465 License No. 3583

**POSTPONED**

C. Vincent Forshan, D.O. Case No. 3464 License No. 3513

Dr. Forshan was not present.

**MOTION:** Mr. Becke moved to hold an **ADMINISTRATIVE HEARING**. Mr. Grossman seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** Motion passed 7-0.

D. Donald Kwasman, D.O. Case No. 3554 License No. 1711

Dr. Kwasman was present with council Kimberly Kent, Esquire. Dr. Kwasman was sworn by the court reporter. Dr. Prah provided a summary of the case. The complainant was present and sworn in by the court reporter. The complainant addressed and answered questions of the Board. The Board questioned Dr. Kwasman.

**MOTION:** Dr. Steinway moved to issue a Letter of Concern for substandard medical records and conduct that might be harmful to patients; failure to document side effects of medication and failure to document laboratory results and data. In addition, Dr. Kwasman shall obtain 20 hours of CME in beriatric medicine and a 20 chart review of medical record keeping. Dr. England seconded the motion.

Ms. Kent addressed the Board and requested the Board to Table the matter to be more prepared to answer the questions of documentation. The Board asked additional questions of the complainant.

**MOTION:** Dr. Steinway withdrew the motion for Letter of Concern. Dr. England withdrew the second for the Letter of Concern.

**MOTION:** Dr. Steinway moved to **TABLE** the case with a random chart review. Mr. Becke seconded the motion.

**VOTE:** The motion passed 5-2. Dr. England and Mr. Grossman voted against the motion.

E. Todd Lincoln, D.O. Case No. 3524 License No. 2445

Dr. Lincoln and the complainant were present and sworn in by the court reporter. Dr. Prah provided a summary of the case. The Board had discussions with Dr. Lincoln and the complainant.

**MOTION:** Dr. Steinway moved to issue a **LETTER OF CONCERN** pursuant to A.R.S. 32-1854 (6) & (38) for failure to follow up and complete appropriate testing on the patient. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** The motion passed 7-0.

F. Donald Nelson, D.O. Case No. 3447 License No. 2846

#### **POSTPONED**

G. Richard Gladding, D.O. Case No. 3381M License No. 1894

Dr. Gladding was present with council and sworn in by the court reporter. Dr. Prah provided a summary of the case. The Board addressed Dr. Gladding with questions regarding the case.

**MOTION:** Mr. Becke moved to **DISMISS** the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** The motion passed 7-0.

#### **7. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. §32-1822; PERMITS PURSUANT TO § A.R.S. 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. §32-1825 (C-D) AND A.A.C. R4-22-109.**

A. Sheldon A. Levine, D.O.

Dr. Levine withdrew his application because of difficulty to schedule his time to appear before the Board.

B. Warren L. Brandes, D.O.

Dr. Brandes was present. The Board discussed the malpractice information with Dr. Brandes.

**MOTION:** Mr. Becke moved to GRANT the license. Dr. Reiss seconded the motion for discussion purposes.

After further discussion, Mr. Becke and Dr. Reiss withdrew their motion and second to Grant the license.

**MOTION:** Dr. Wedel moved to **TABLE** this application and have Dr. Brandes provide a written explanation of the malpractice cases. Dr. Steinway seconded the motion.

**ROLL CALL VOTE:** The motion passed 7-0.

8. **REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).**

A. Donald Kwasman, D.O. Case No. 3610 License No. 1711

Dr. Kwasman was present with council, Kimberly Kent. Dr. Prah provided a summary of the case. Dr. Kwasman addressed the Board. The Board voiced their concerns.

**MOTION:** Dr. Cohen moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded the motion.

**VOTE:** The motion passed 7-0.

B. Joseph Tedesco, D.O. Case No. 3424M License No. 2148

**MOTION:** Dr. England made a motion to send this matter to an **INVESTIGATIVE HEARING**. Mr. Becke seconded the motion.

**VOTE:** The motion passed 7-0.

C. Tedd Goldfinger, D.O. Case No. 3458 License No. 2198

Dr. Goldfinger was present.

**MOTION:** Mr. Grossman moved for **an INVESTIGATIVE HEARING**. Mr. Becke seconded the motion.

**VOTE:** The motion passed 7-0.

D. Gary Knighton, D.O. Case No. 3502 License No. 3116

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Dr. Wedel moves to **DISMISS** this complaint. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

E. Neil Goldberg, D.O. Case No. 3503 License No. 3653

The complainant was present and addressed the Board.

**MOTION:** Dr. Wedel moved to **DISMISS** the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

F. James McCartan, D.O. Case No. 3459 License No. 3505

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Dr. Steinway moved to hold an **INVESTIGATIVE HEARING**. Mr. Becke seconded the motion.

**VOTE:** The motion passed 7-0.

G. Robert Laufer, D.O. Case No. 3457 License No. 2834

Based on information provided and the recommendation of three reviewers:

**MOTION:** Dr. Wedel moved to **DISMISS** the case. Dr. Steinway seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

H. Loretta McCarthy, D.O. Case No. 3605 License No. 3276

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Mr. Becke moved to **DISMISS** the case. Dr. Steinway seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

I. Michael Steingart, D.O. Case No. 3505 License No. 2097

The complainant was present.

**MOTION:** Dr. Steinway moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded the motion.

**VOTE:** The motion passed 7-0.

J. Jason Wolff, D.O. Case No. 3540 License No. 4128

The complainant was present and addressed the Board.

**MOTION:** Mr. Becke moved for an **INVESTIGATIVE HEARING**. Dr. Cohen seconded the motion.

**VOTE:** The motion passed 7-0.

K. George O'Brien, D.O. Case No. 3485 License No. 2918

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Dr. Steinway moved to **DISMISS** the case. Dr. England seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

L. Steven Traikovich, D.O. Case No. 3510 License No. 3330

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Dr. Steinway moved to **DISMISS** the case. Dr. England seconded.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

M. Susan Slominski, D.O. Case No. 3439M License No. 2848

Dr. Slominski was present with Gary Bowen, PA. Dr. Prah provided a summary of the case. The Board discussed the case with Dr. Slominiski and the PA.

**MOTION:** Dr. Steinway moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded the motion.

**VOTE:** Motion passed 7-0.

N. Jason Reinhart, D.O. Case No. 3372 License No. 3743

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Mr. Becke moved to **DISMISS** the case. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** The motion passed 7-0.

O. Loren Turley, D.O. Case No. 3589M License No. 2638

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Dr. Steinway moved to **ADMINISTRATIVELY CLOSE** the case. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** The motion passed 7-0

P. Todd Lincoln, D.O. Case No. 3546 License No. 2445

Dr. Lincoln was present. Ms. Myers provided a summary of the complaint.

**MOTION:** Dr. Steinway moved to **DISMISS** the complaint. Mr. Grossman seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	6		x	x	x	x	x	x
NO								
ABSTAIN								
ABSENT								

NO	0							
ABSTAIN	0							
ABSENT	1	x						

**ROLL CALL VOTE:** Motion passed 6-0. Dr. Reiss was not present.

Q. Charles Knouse, D.O. Case No. 3515 License No. 4079

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Mr. Grossman moved to hold an **INVESTIGATIVE HEARING**. Dr. Wedel seconded the motion.

**VOTE:** The motion passed 7-0.

R. Martin Feldman, D.O. Case No. 3434 License No. 2104

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Dr. England moved to **DISMISS** the case. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** The motion passed 7-0.

S. Charles Schwengel, D.O. Case No. 3169 License No. 3019

Based on the information provided and the recommendation of three reviewers:

**MOTION:** Dr. Wedel moved to hold an Investigative Hearing. Dr. England seconded.

The Board discussed the matter. Dr. Wedel and Dr. England withdrew the motion and the second for an Investigative Hearing.

**MOTION:** Mr. Becke moved to DISMISS the case. Dr. Reiss seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	3	x			x			x

NO	4		x	x		x	x	
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** The motion failed; 3-4.

The Board went into a lengthy discussion of jurisdiction and the practice between Osteopathic medicine and Homeopathic medicine.

**MOTION:** Mr. Becke moved to **DISMISS** the case. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN	0							
ABSENT	0							

**ROLL CALL VOTE:** The motion passed 7-0.

**9. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEW AND POSSIBLE CONSIDERATION OF SUMMARY SUSPENSION, PURSUANT TO A.R.S. § 32-1855 (C through F) AND §41-1064(C).**

A. James D. Panetta, D.O. Case No. 3642 Permit No. R702

Dr. Panetta was present with Dr. Sucher. Dr. Panetta was sworn in by the court reporter and addressed the Board. The Board discussed the matter and asked questions of Dr. Panetta. Dr. Sucher addressed the Board.

**MOTION:** Mr. Becke moved to **SUSPEND** Dr. Panetta's training permit until evaluation and treatment as recommended by Dr. Sucher. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	7	x	x	x	x	x	x	x
NO	0							
ABSTAIN								
ABSENT								

**ROLL CALL VOTE:** Motion passed 7-0.

**10. EXECUTIVE DIRECTOR REPORT**

Mr. Confer briefly commented on the following items.

- A. Online Renewals
- B. Digital Board Books Transition & Training
- C. Performance Measures Report
- D. Financial Report
- E. Legislation

**13. ADJOURNMENT**

The meeting adjourned at 2:00 p.m.